

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 21297PC IRI | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/FR2004/001722 | International filing date (<i>day/month/year</i>) 02.07.2004 | Priority date (<i>day/month/year</i>) 03.07.2003 |
| International Patent Classification (IPC) or national classification and IPC E04B1/36 | | |
| Applicant IRIGOYEN, Marc-Edouard | | |

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|---|--|--|--------------------------|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|---|--------------------------|--------------------------|--|-------------------------------------|--------------------------|--|--------------------------|--------------------------|---|--------------------------|--------------------------|---|--------------------------|--------------------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> | <p><input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px;"><input checked="" type="checkbox"/></td> <td style="width: 15px;"><input type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. I Basis of the report | <input type="checkbox"/> | <input type="checkbox"/> | Box No. II Priority | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | <input type="checkbox"/> | Box No. IV Lack of unity of invention | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | <input type="checkbox"/> | Box No. VI Certain documents cited | <input type="checkbox"/> | <input type="checkbox"/> | Box No. VII Certain defects in the international application | <input type="checkbox"/> | <input type="checkbox"/> | Box No. VIII Certain observations on the international application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. I Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Box No. II Priority | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Box No. IV Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Box No. VI Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Box No. VII Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Box No. VIII Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001722

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 1-7 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19 07.05.2005 with letter

nos.* 1-8 received by this Authority on of 03.05.2005

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001722

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application
 claims Nos. 4

because:

- the said international application, or the said claims Nos. 4
 relate to the following subject matter which does not require an international preliminary examination (*specify*):

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 4
 are so unclear that no meaningful opinion could be formed (*specify*):

Claim 4 is unclear because it includes an error message (French text: "... des revendications 1 à Erreur! Source du renvoi introuvable., ...")

- the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for said claims Nos. _____
- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
- | | |
|----------------------------|---|
| the written form | <input type="checkbox"/> has not been furnished <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished <input type="checkbox"/> does not comply with the standard |
- the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

| | |
|-------------------------------|-------------------|
| International application No. | PCT/FR2004/001722 |
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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
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1. Statement

| | | |
|-------------------------------|------------------------|-----|
| Novelty (N) | Claims <u>1-3, 5-8</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims <u>1-3, 5-8</u> | YES |
| | Claims _____ | NO |
| Industrial applicability (IA) | Claims <u>1-3, 5-8</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document in the present notification:

D1: FR-A-2 262 167

2.1 Independent claim 1

2.1.1 Document D1 describes (the reference signs between parentheses apply to this document) a beam support system (see, in particular, figures 1, 2 and 7) including two posts (pillars 2 and 2a), a beam (central beam 5) and at least one tie member (turnbuckle 9), wherein the posts (2, 2a) are biased apart by the beam (5) and biased towards one another by the tie member (9), and the beam (5) is connected to the tie member (9).

2.1.2 The aim of the invention is to enable spontaneous adjustment of the beam relative to the tie member, especially when the beam is subjected to an asymmetrical load.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001722

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 2.1.3 The solution lies in the fact that the beam (3, 3a, 3b) and the tie member (9, 9a, 9b) are slidably mounted along a finite sliding portion.
- 2.1.4 The combination of features in claim 1 is not found in or obvious from the prior art. It follows that the subject matter of claim 1 is novel and inventive.
- 2.2 Claims 2, 3 and 5 to 8 are dependent on claim 1, meaning that their subject matter is also novel and inventive.
- 2.3 The subject matter of claims 1 to 3 and 5 to 8 is industrially applicable.
3. Observations:
- 3.1 To comply with the requirements of PCT Rule 6.3(b), the independent claim should have been drafted in **two** parts, with a first part containing the combination of features known from the prior art.
- 3.2 The text of the description should be made consistent with that of the new claims to be filed. In doing so, care should be taken, particularly as far as the introductory part setting forth the problem or the advantages is concerned, to ensure that the subject matter of the application does not go beyond the content of the application as filed (PCT Article 34(2)(b)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2004/001722

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

4.3 To comply with the requirements of PCT Rule 5.1(a)(ii), the applicant should have cited Document **D1** in the description, indicated the corresponding prior art, and specified the **problem** that the invention solves, because an inventive step can be considered to be the distance between a technical problem and the solution thereto, and the provisions of PCT Rule 5.1(a)(iii) stipulate that the description must set forth the way in which the invention can be considered to be a solution to a technical problem.